

**BOARD OF APPEALS**

**201403132**

**8212 Hewlett Road**

**Applicant: Mohammad Salehi**



Variance Petition No. 201403132

HEARING & MEETING DATES

Board of Appeals Hearing  
January 8, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Mohammad Salehi	Mohammad Salehi	Mohammad Salehi

PROPERTY INFORMATION

Address, Land Lot(s), and District	8212 Hewlett Road Land Lot 356, 6 <sup>th</sup> District
Council District	1 (John Paulson)
Frontage	Approximately 35 feet of frontage along the south side of Hewlett Road.
Area	Approximately 1.33 acres
Existing Zoning	AG-1 (Agricultural district)
Existing Use	Undeveloped property
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 0 to 1 units per acre (R0-1)

INTENT

The applicant is proposing the construction of a single family residence. The applicant is requesting one (1) primary variance(s) as follows:

1. Primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the 75 foot impervious surface setback for construction of a single family residence.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201403132 – 1) DENIAL

STANDARDS FOR CONSIDERATION

Variance #1

Primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer for construction of a single family residence.

Standards for Consideration

	Existing Site	Proposed Plan	Net Change
0' – 25' State Stream Buffer	0 sf	0 sf	0 sf
25' – 50' City Stream Buffer	0 sf	0 sf	0 sf
50' – 75' Impervious Surface Setback	0 sf	2,895* sf	2,895* sf
Total Impervious Surface encroaching in Stream Buffer	0 sf	2,895* sf	2,895* sf

\*Includes 1,835 sf of impervious pavers

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

**(3) Variances will be considered only in the following cases:**

*a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.*

**Finding:**

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes that the stream buffers cover upwards of 50% of the buildable area on the subject property. Additionally, the topography slopes toward the east side of the property. Based on these reasons, staff is of the opinion that land development would be prevented unless a variance is granted and that this condition has been satisfied.

*b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.*

**Finding:**

Due to the location of the stream, a majority of the subject property has been covered by the stream buffers, leaving the only buildable area in the western and southwestern portions of the lot. In order for the applicant to construct a house that is in harmony with surrounding properties, whose homeowner's association requires a minimum of 2,000 square feet of first floor area, encroachment is necessary. Based on these reasons, staff is of the opinion that this condition has been satisfied.

**(5) The following factors will be considered in determining whether to issue a variance:**

*a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;*

**Finding:**

The property is long and narrow in shape and slopes from west to east. A majority of the subject property is located within the stream buffers, which restricts the buildable area of the lot to the western and southwestern portion of the property. When the stream buffers are combined with the topographical challenges on the site the location of a single family dwelling unit is severely limited. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

*b. The locations of all streams on the property, including along property boundaries;*

**Finding:**

The locations of all streams and property boundaries are shown on the attached site plans. Staff is of the opinion this condition has been satisfied.

*c. The location and extent of the proposed buffer or setback intrusion;*

**Findings:**

The location and extent of the stream buffer intrusions are identified on the attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

*d. Whether alternative designs are possible which require less intrusion or no intrusion;*

**Findings:**

Following the November 2014 Board of Appeals meeting, alternative designs were discussed with staff. The construction of the home is now limited to encroachment within the 75 foot stream buffer as opposed to the previous site plan which included encroachment into the 50 foot undisturbed buffer. Therefore, staff is of the opinion this condition has been satisfied.

*e. The long-term and construction water quality impacts of the proposed variance;*

Findings:

The applicant will be required to use Best Management Practices (BMPs) during the construction of the house. The City will monitor the sites BMPs.

*f. Whether issuance of the variance is at least as protective of natural resources and the environment.*

Findings:

The applicant has modified the site plan for the home to now lie outside both the 25 foot and 50 foot undisturbed buffers. The applicant proposes using pervious surfaces for the driveway, 1,835 square feet of which encroach into the 75 impervious surface setback. Of the home's 2,600 first floor square footage, 1,060 square feet will still lie within the 75 foot impervious surface setback. Staff believes the house could be moved toward the western property line, moving a large portion of its square footage outside of this setback. The floorplan and shape of the home could be modified to accommodate this as well. Staff is of the opinion that issuance of the variance is not as protective of the natural resources and environment as the existing site conditions.

#### Department Comments

Focus Meeting held on Wednesday, October 1, 2014, and no comments were provided from the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, Arborist, or Site Development.

#### Conclusion

Staff has reviewed the request relative to the variance standards contained in the Sandy Springs Zoning Ordinance and Stream Buffer Protection Ordinance. Based upon this review, staff recommends **DENIAL** of the variance request to allow construction of a single family residence.

#### **Recommended Condition(s)**

Should the Board of Appeals choose to approve the request, staff recommends the following conditions:

- 1) To allow for construction of a single family residence as shown on the site plan dated received December 12, 2014 by the Department of Community Development.
- 2) Pervious pavers shall be used on portions of the driveway lying within the 75 foot buffer impervious surface setback.
- 3) Allow for a 10 foot encroachment into the 50 foot undisturbed during construction to be replanted to buffer standards upon completion of construction.
- 4) Perform a siltation study on the lake prior to and after construction of the house.
- 5) Install turbidity fence subject to agreement submitted by the Lake Northridge Association.

#### **ATTACHMENTS:**

Parcel Map

Original Site Plan – Dated received December 12, 2014

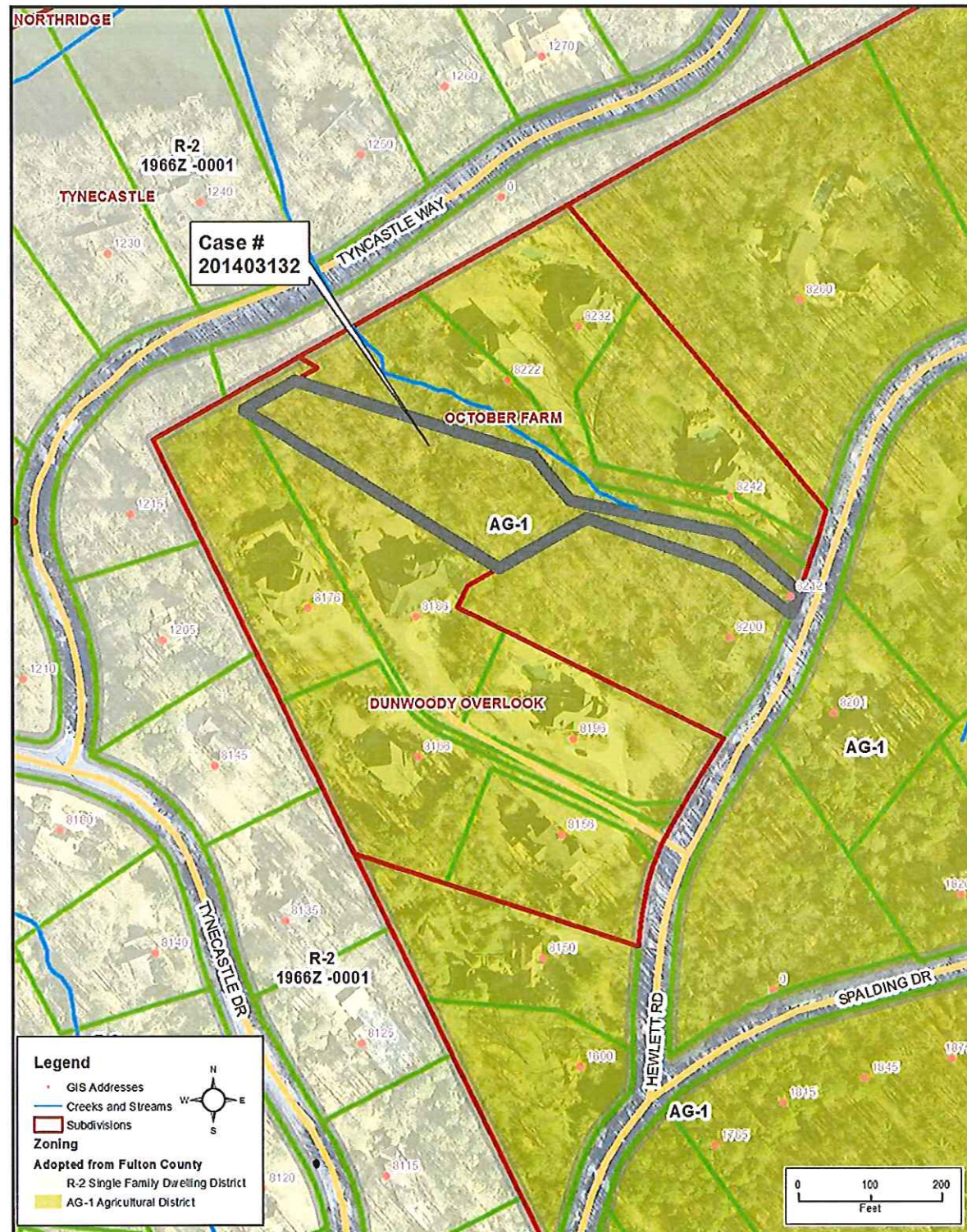
Revised Site Plan – Dated received September 2, 2014

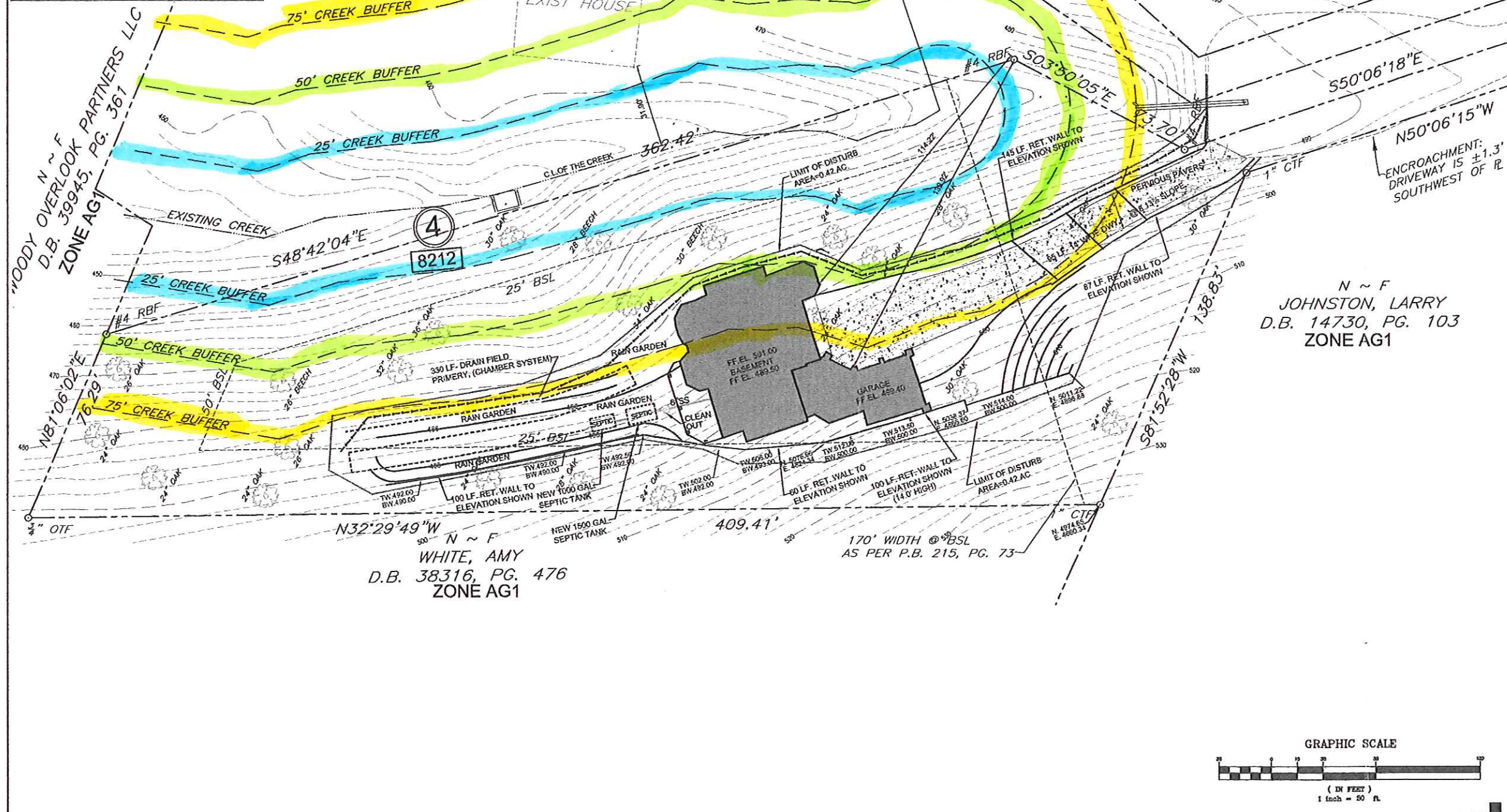
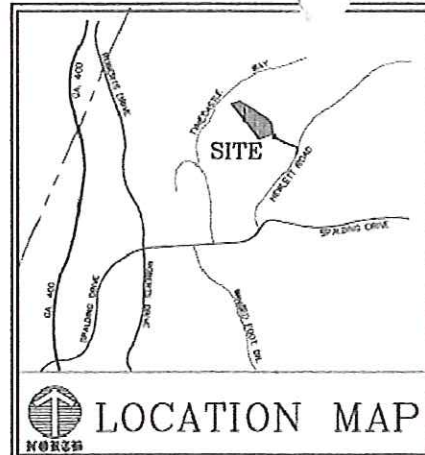
Fulton County Health Department Septic Permit Documents – Dated received December 16, 2014

Letters of Opposition – Dated received November 3, 2014; November 6, 2014; November 10, 2014; November 14, 2014; December 30, 2014

Lake Northridge Association Draft Conditions– Dated received December 30, 2014

# 8212 Hewlett Road





N ~ F  
SERVER, PAMELA T.  
D.B. 32913, PG. 507  
ZONE AG1

N ~ F  
ROSENBERG, KENNETH R.  
D.B. 37501, PG. 462  
ZONE AG1

N ~ F  
TAYLOR, STEVEN B.  
D.B. 30348, PG. 436  
ZONE AG1

N ~ F  
JOHNSTON, LARRY  
D.B. 14730, PG. 103  
ZONE AG1

N ~ F  
WHITE, AMY  
D.B. 38316, PG. 476  
ZONE AG1

**TRIDEL CONSTRUCTION LLC.**  
CONTACT: BEHROOZ NEISSANI  
20 MANSELL COURT,  
SUITE 350A  
ROSWELL, GA 30076  
PHONE: 678-338-2536

**NEW RESIDENTIAL FOR MR. PURIYA NEISSANI & MR. M. S. SALEHI**  
LOT 4, OCTOBER FARM SUBDIVISION  
LAND LOT 356, 6TH DISTRICT,  
CITY OF SANDY SPRINGS,  
FULTON COUNTY, GEORGIA.

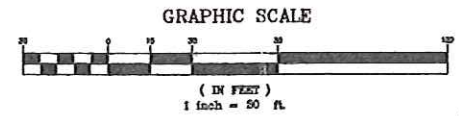
**NEW RESIDENTIAL GRADING PLAN**

**DIGITAL EXPRESSIONS, INC.**  
11174 Cameron Creek  
Marietta, GA 30062  
(404) 723-0932

**DRAWING NO. C2**



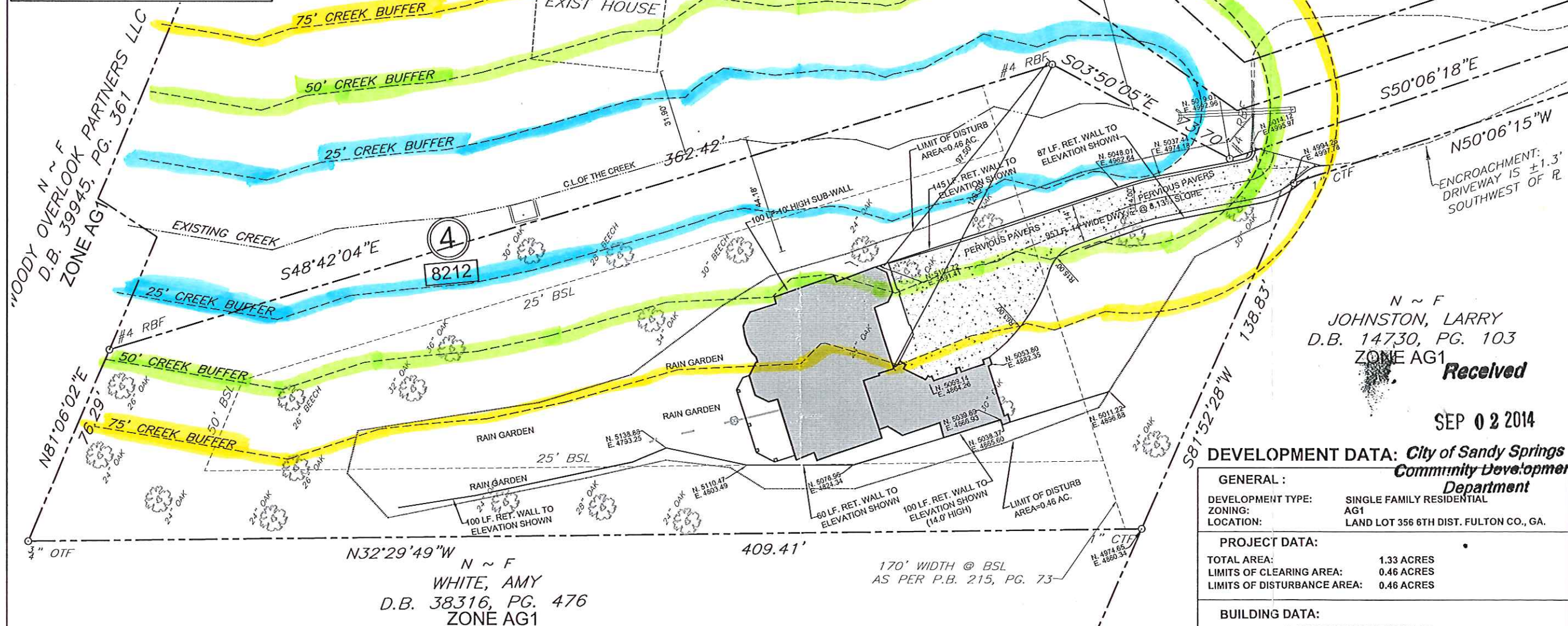
REVISIONS	DESCRIPTION
DATE	
PROJECT NO.	
DESIGNED BY	
DRAWN BY	
CHECKED BY	
DATE	12/14/14
SCALE	AS SHOWN



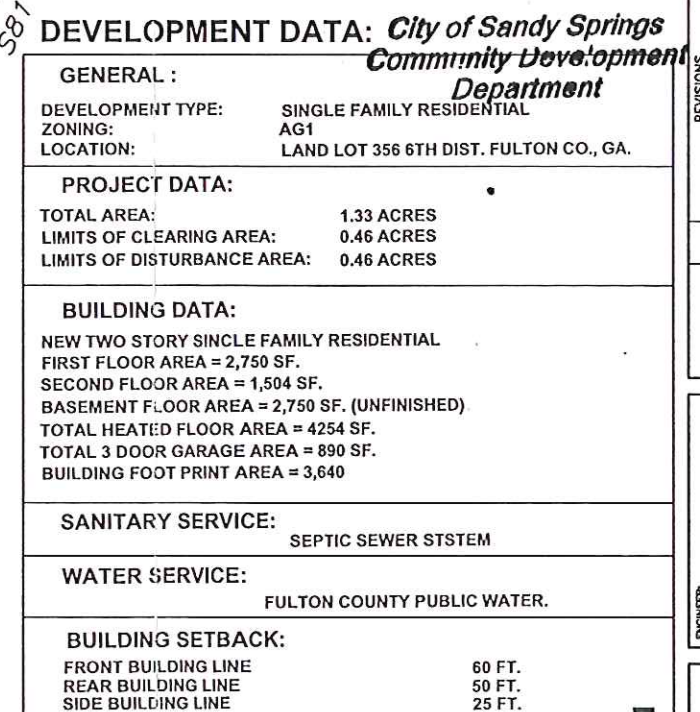
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City Of Sandy Springs  
Community Development



	BUFFERS		
	0'-25'	25'-75'	50'-75'
TOTAL AREA OF EXISTING ENCROACHMENTS	0.00 SF	0.00 SF	0.00 SF
TOTAL AREA OF PROPOSED ENCROACHMENTS	0.00 SF	4,512 SF	2,712 SF
TOTAL AREA OF INCREASED ENCROACHMENTS	0.00 SF	4,512 SF	2,712 SF



DRAWING NO.

DEC 16 2014

GEORGIA DEPARTMENT OF PUBLIC HEALTH  
APPLICATION FOR CONSTRUCTION PERMIT AND SITE APPROVAL  
For On-Site Sewage Management SystemCity Of Sandy Springs  
Community Development

COUNTY:	SUBDIVISION:	LOT NUMBER:	BLOCK:
Fulton	OCTOBER FARM	4	2
PROPERTY LOCATION (ADDRESS/DIRECTIONS): 8212 HEWLETT RD ATLANTA, GA 30350			
I hereby apply for a construction permit to install an On-Site Sewage Management System and agree that the system will be installed to conform to the requirements of the rules of the Georgia Department of Public Health, Chapter 290-5-26. By my signature, I understand that final inspection is required and will notify the County Health Department upon completion of construction and before applying final cover material to the system.			
PROPERTY OWNER'S/AUTHORIZED AGENT'S SIGNATURE:		DATE: 01/10/2013	
PROPERTY OWNER'S NAME:	PHONE NUMBER:	ALTERNATE PHONE NUMBER:	
HAMMAD SALEHI	(678) 358-2536		
PROPERTY OWNER'S ADDRESS: 8212 HEWLETT RD ATLANTA, GA 30350			
AUTHORIZED AGENT'S NAME (IF OTHER THAN OWNER):	PHONE NUMBER:	RELATIONSHIP TO OWNER:	

## Section A — General Information

1. REQUIRED SETBACK FROM RECEIVING BODIES (wells, lakes, sinkholes, streams, etc.) EVALUATED: (1) Yes (2) No	5. TYPE OF STRUCTURE (single/multi-family residence, commercial, restaurant, etc.): Single-Family Residence	9. SOIL SERIES (e.g. Pacolet, Orangeburg, etc.): Mountainburg
2. WATER SUPPLY: (1) Public (2) Private (3) Community	6. WATER USAGE BY: Bedroom Numbers	10. PERCOLATION RATE / HYDRAULIC LOADING RATE: 4 5
3. SEWAGE SYSTEM TO BE PERMITTED: (1) New (2) Repair (3) Addition	7. NO. OF BEDROOMS / GPD: 5	11. RESTRICTIVE SOIL HORIZON DEPTH (INCHES): 3 0
4. LOT SIZE (SQUARE FEET / ACRES): 1 . 3 3	8. LEVEL OF PLUMBING OUTLET: (1) Ground Level (2) Basement (3) Above ground level	12. SOIL TEST PERFORMED BY: Asady PhD, Sam

## Section B — Primary / Pretreatment

1. DISPOSAL METHOD: Septic Tank	2. GARBAGE DISPOSAL: (1) Yes (2) No	3. SEPTIC TANK CAPACITY (GALLONS): 2500	4. ATU Capacity: 0	5. DOSING TANK CAPACITY (GALLONS):	6. GREASE TRAP CAPACITY (GALLONS):
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## Section C — Secondary Treatment

1. ABSORPTION FIELD DESIGN: (1) Level Field (2) Serial (3) Drip (4) Bed (5) Distribution Box (6) Mound/Area Fill (7) Other	4. TOTAL ABSORPTION FIELD SQUARE FEET REQUIRED: 1 5 0 0	7. NUMBER OF ABSORPTION TRENCHES: 4
2. ABSORPTION FIELD PRODUCT: Quick 4 High Capacity -16in	5. TOTAL ABSORPTION FIELD LINEAR FEET REQUIRED: 3 2 8	8. SPECIFIED LENGTH OF ABSORPTION TRENCHES: 8 2
3. AGGREGATE DEPTH (Inches):	6. DEPTH OF ABSORPTION TRENCHES (range in inches): 3 0 — 3 6	9. Distance Between Absorption Trenches: 8

## Permit

A PERMIT IS HEREBY GRANTED TO INSTALL THE ON-SITE SEWAGE MANAGEMENT SYSTEM DESCRIBED ABOVE. THIS PERMIT IS NOT VALID UNLESS PROPERLY SIGNED BELOW. THIS PERMIT EXPIRES TWELVE (12) MONTHS FROM DATE OF ISSUANCE.

ANY GRADING, FILLING, OR OTHER LANDSCAPING SUBSEQUENT TO ISSUANCE OF A PERMIT MAY RENDER PERMIT VOID.

VOID, FAILURE TO FOLLOW SITE PLAN MAY RENDER PERMIT VOID. ANY GRADING, FILLING, OR OTHER LANDSCAPING SUBSEQUENT TO FINAL INSPECTION BY COUNTY HEALTH DEPARTMENT, WHICH ADVERSELY AFFECTS THE FUNCTION OF THE ON-SITE SEWAGE MANAGEMENT SYSTEM, MAY RENDER APPROVAL VOID. INSTALLATION CONTRACTOR IS RESPONSIBLE FOR LOCATING PROPER DISTANCES FROM BUILDINGS, WELLS, PROPERTY LINES, ETC.

ISSUANCE OF A CONSTRUCTION PERMIT FOR AN ON-SITE SEWAGE MANAGEMENT SYSTEM, AND SUBSEQUENT APPROVAL OF SAME BY REPRESENTATIVE OF THE GEORGIA DEPARTMENT OF PUBLIC HEALTH OR COUNTY BOARD OF HEALTH SHALL NOT BE CONSTRUED AS A GUARANTEE THAT SUCH SYSTEMS WILL FUNCTION SATISFACTORILY FOR A GIVEN PERIOD OF TIME; FURTHERMORE, SAID REPRESENTATIVE(S) DO NOT, BY ANY ACTION TAKEN IN EFFECTING COMPLIANCE WITH THESE RULES, ASSUME ANY LIABILITY FOR DAMAGES WHICH ARE CAUSED, OR WHICH MAY BE CAUSED, BY THE MALFUNCTION OF SUCH SYSTEM.

APPROVING ENVIRONMENTALIST:	TITLE:	DATE:	CONSTRUCTION PERMIT NUMBER:
Environmental Health Specialist		01/10/2013	OSC06000547

GEORGIA DEPARTMENT OF PUBLIC HEALTH  
APPLICATION FOR CONSTRUCTION PERMIT AND SITE APPROVAL  
For On-Site Sewage Management System

County: Fulton  
Permit Number: OSC06000547  
Property Address: 8212 HEWLETT RD ATLANTA, GA 30350  
Property Owner: HAMMAD SALEHI

PRESCRIBED TANK LOCATION / REMARKS:
If garbage disposal is install septic tank must increase by 50%, or this permit will be void.
PRESCRIBED ABSORPTION FIELD LOCATION:
Once lot is cleared you must call health department to re-inspect the lot to ensure setback are within normal limits before OSMS is installed.No field lines longer than 125LF or shorter than 50LF except the last line or this permit will be voided.

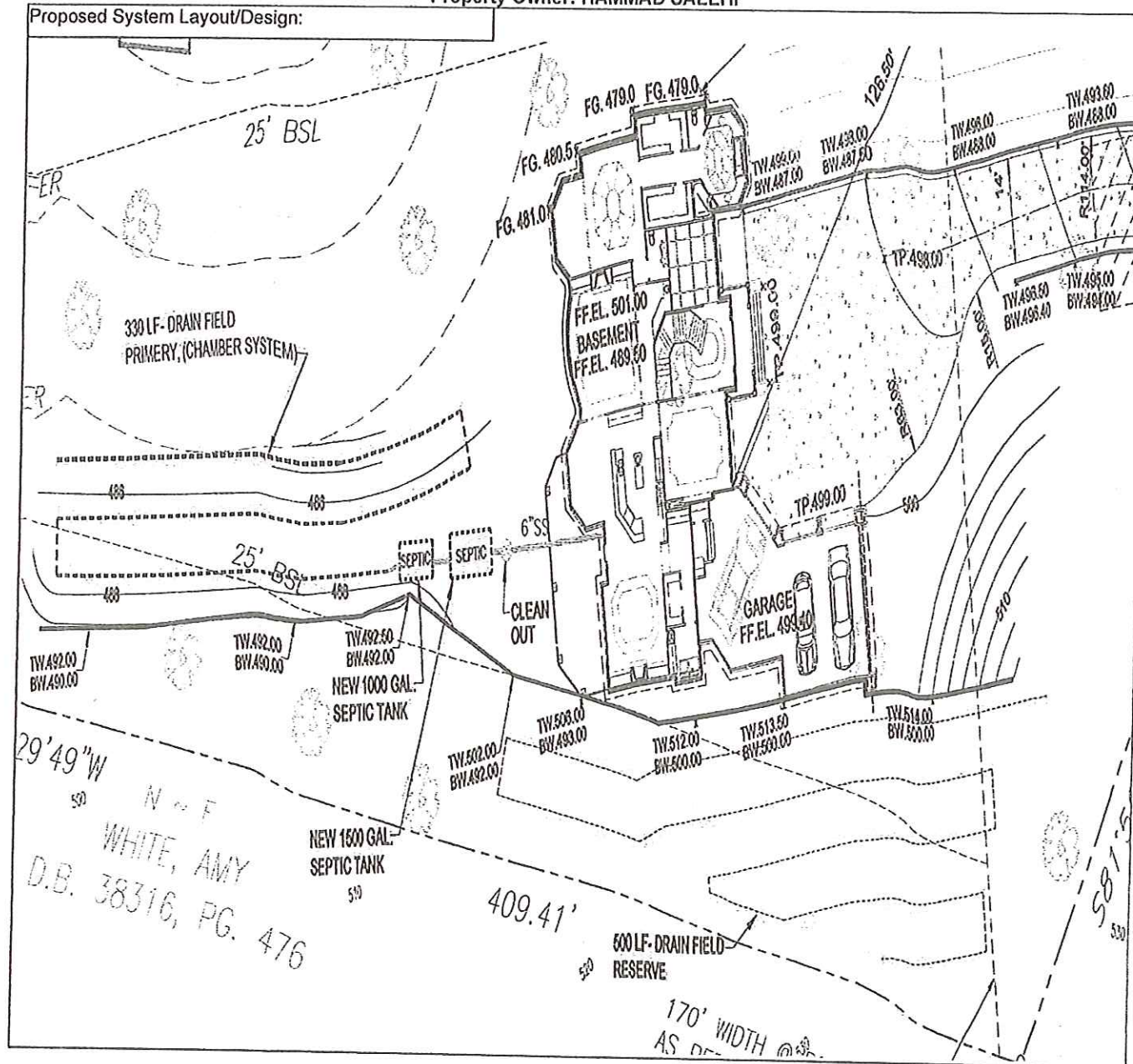
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Community Development

GEORGIA DEPARTMENT OF PUBLIC HEALTH  
APPLICATION FOR CONSTRUCTION PERMIT AND SITE APPROVAL  
For On-Site Sewage Management System

County: Fulton  
Permit Number: OSC06000547  
Property Address: 8212 HEWLETT RD ATLANTA, GA 30350  
Property Owner: HAMMAD SALEHI



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# ESTIMATED SOIL PROPERTIES\*

SOIL UNIT	SLOPE RANGE (%)	DEPTH TO BEDROCK (IN)	DEPTH TO SEASONAL WATER TABLE INDICATORS (IN)	RECOMMEND. TRENCH DEPTH** (IN)	SUITABILITY CODES**	ESTIMATED PERC. RATE AT DIFFERENT DEPTHS		MAXIMUM HYDRAULIC LOADING RATE (Gal/Day/sq. ft)
						DEPTH (IN)	PERC RATE** (MIN/IN)	
Mountain Park	25-40	>66	>66	30-42	GE1	24-48	45	0.15@12"

\* All depth references are with respect to the original grade at the time of this inspection.

\*\* The suitability and estimated percolation rates are based on full conventional system performance. However, no guarantee or warranty is given or implied as to the performance of any particular system installed.

## SUITABILITY CODES

GE1- These soils should have the capacity to function as suitable media for a conventional septic system absorption field provided the system is properly designed, installed and maintained. The Fulton County Department of Community Health may require site modification or deeper installation to alleviate slope limitations.

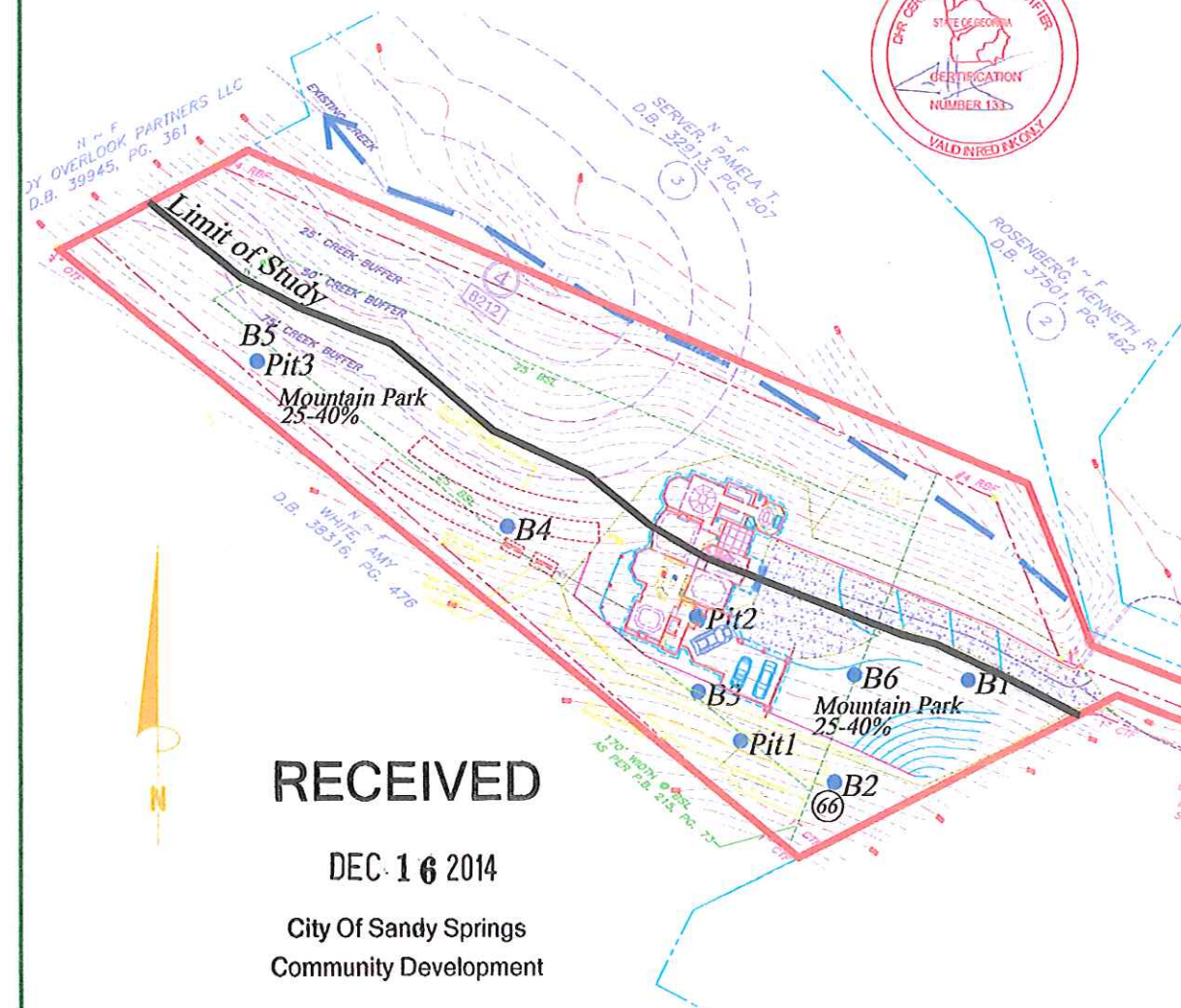
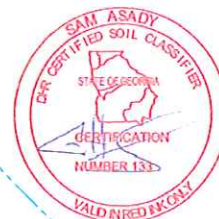
## NOTES:

1. Boring locations were surveyed by a GEO-XT Trimble GPS.
2. The property boundaries, topographic information and location of structures were provided by Project Engineer and should be considered approximate.
3. The recommendations set forth in this report are based on site/soil conditions at the time of the study and professional judgement of the soil scientist/classifier. They are merely professional opinions and imply no guarantee or warranty of performance of any particular system installed.

## LEGEND

- B1 Hand Auger Boring
- Pit1 Existing Old Pit
- ⊙ Depth of Auger Refusal-Inches
- Stream Channel

OWNER/SPONSOR  
C/O Bruce Neissani  
Tridel Construction, LLC  
678-358-2536



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## LEVEL 3 SOIL MAP

SHEET  
1 OF 1  
8212 HEWLETT ROAD  
LL356 DIST.6  
FULTON COUNTY, GEORGIA

SCALE: 1" = 50 FT.

## GEOSCIENCES ENGINEERING, INC.

Soil/Environmental Scientists & Engineers  
319 ATLANTA STREET  
SUITE 100  
MARIETTA, GEORGIA 30060 - 2264  
TEL 770-428-4070 FAX 770-428-9570



FIELD WORK BY: GHA

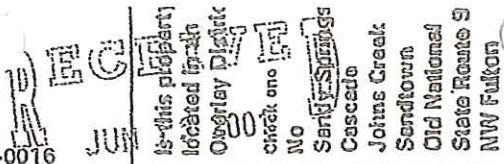
REVIEWED BY: GHA

DATE: 12-5-12

FILE NAME: HEWLETT ROAD 8212 - BRUCE NEISSANI



**Fulton County**  
 Department of Environment  
 Community Development  
 141 Pryor Street, Suite 2085  
 Atlanta, GA 30303  
 404-730-7800 FAX: 404-730-0016  
 www.fultonecd.org



Permit No. 41060410  
 Total Permit Fee \$ 783.40  
 Fire Marshal Fee \$  
 C/O Holds

# **BUILDING PERMIT APPLICATION**

## **Site and Project Information**

Type: (Check One) New Building ☒ Addition ☐ Alteration ☐ Re-Permit ☐ Tenant Finish ☐ Use SFR

Site Address 8212 Hewlett Rd. Construction Cost \$ 250,000

Lot / Block 4 Building Width 50 Building Depth 90 Building No.      Suite No.     

Subdivision or Project Name Oakleaf Farm Phase / Unit     

Total Floor Area 4700 Heated Floor Area (residential only) 4000 basement included? Yes ☐ No ☒

No. of Floors 2 No. of Bedrooms 4 Land Disturbance Permit No.     

For Multi-Family: No. of Units      No. of one bedroom units      No. of two bedroom units      No. of three bedroom units     

Briefly describe the scope of proposed work: Construct new home

## **Owner's Information**

Name White Cap Housing Group LLC e-mail:     

Address 4827 Bethel New Rd. Phone 404 580 0710

City Cumming State GA Zip 30040 Fax No.     

## **Contractor's Information**

Business Name White Cap Housing Group LLC Agent Rob A. Mallick

Address Super Phone 404 580 0710

City      State      Zip      Fax No.     

Business License No. 61059242500 City or County where issued Cobb

Trust Account No.      e-mail     

## **Work Includes (circle one for each trade):**

Building: Yes ☒ No ☐ Electrical: Yes ☒ No ☐ Plumbing: Yes ☒ No ☐ Mechanical: Yes ☒ No ☐

NOTE: Please supply subcontractor's information on reverse side otherwise, all sub-contractors must apply for separate trade permits.

## **Applicant's Certification**

I hereby certify that the site described herein will be constructed and/or used in accordance with all applicable zoning ordinances and laws governing the Department of Environment and Community Development.

Applicant's Signature [Signature] Date 6-12-14

**DO NOT WRITE BELOW THIS LINE - To Be Completed By E & CD Staff Only**

Sheet No.      Land Lot 356 District 6 Section      Date     

Zoning A-1 Zoning Case No. 862 9999 Census Code 0101 Impact Fee \$     

Lot Width 170 Lot Depth 362 Sewer ☐ Septic ☒ ARC No. & Approval      ARC Fee \$     

Min. Setbacks: Front 60 Left side 25 Right side 25 Rear 25

Disposal System: Water Tap No.      Well Permit No.      Septic Permit No. 2639 Sewer Permit No.     

Comments or Notes:     

Processed By: [Signature] Date 6-12-14

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City Of Sandy Springs  
 Community Development

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XFINITY Connect

NOV 14 2014

cjr394@comcast.net

± Font Size ±

RE: Lake Northridge Assoc-correction

City Of Sandy Springs  
Community Development

From : Andrew Friede <af3308@gmail.com>

Mon, Nov 03, 2014 03:19 PM

Subject : RE: Lake Northridge Assoc-correction

To : 'Kayla Lewis' <kaylaenglelewis@me.com>, 'Mark Uebelacker' <mark@gouldsouthern.com>

Cc : 'Art & Carol Katz' <artkatz@dunwoodygroup.com>, 'Bill & Jean Rich Keenan' <cjr394@comcast.net>, 'Dinghra & Anne Pinkerton' <sdhingra888@gmail.com>, 'Frank & Alice Seco de Lucena' <fseco@bellsouth.net>, 'Gadi & Haya Gal' <gadigal@comcast.net>, 'James & Barbara Morton' <jcm-law@comcast.net>, 'Jim & Janet Baldwin' <jimbald31@gmail.com>, 'Tip and Naomi Taylor' <nalazra@yahoo.com>, 'Joe Wright' <ejoewright@comcast.net>, 'Johanna Asher' <joasher@comcast.net>, 'Johanna Asher' <asher.johanna@gmail.com>, 'Ken Daniels' <kdaniels@bellsouth.net>, nsutton@emory.edu, 'Kevin & Maureen Conboy' <kevinpatrickconboy@gmail.com>, 'Laura & William Kane' <williamakane@gmail.com>, 'Lisa and Michael Banov' <banov@mindspring.com>, 'Lynn & Pat Tinley' <lynntinley@comcast.net>, 'Marvin Silverstein' <ridgetarn@comcast.net>, 'Michele Adams' <MAdams@havertys.com>, 'Mike & Diane Artech' <migartch@aol.com>, 'Nancy Grotnes' <nhgrot@aol.com>, 'Penny Raney' <raneypb@cs.com>, 'Peter & Renee Rayel' <repet38@gmail.com>, 'Ryan Barksdale' <barksdaleryan@gmail.com>, 'Steve & Martha Smith' <smithsewanee@comcast.net>, 'sue carlson' <suecarlson@me.com>, 'Tip & Naomi Taylor' <andrew\_taylor30350@yahoo.com>, 'Wendy Kuehn' <wfkuehn@comcast.net>

I looked at the site and Mr. Howard seems to be gone. Ruth Coan is the current chair. Or have I got that wrong?

Here is my letter - I slightly modified the model.  
Kayla, thank you for doing all this.

Ruth Coan, Chair  
Board of Appeals  
City of Sandy Springs  
7840 Roswell Road  
Atlanta, GA 30350

*DRK-11-7-14*

Dear Ms. Coan,

November 3, 2014

This letter is a formal opposition to this variance request: Application #: 201403132 Property address: 8212 Hewlett Road  
Petitioner: Mohammed S. Salehi.

The variance concerns weakening the stream buffers and set-backs that would be required to build a new home on pristine land. This stream feeds Lake Northridge, a 25 acre lake with 34 homes that is used for swimming and fishing, and that forms part of the Chattahoochee River watershed. My home is on the Lake and the stream under question abuts my property.

When it rains, the stream adds a significant amount of water to the Lake. Weakening the stream buffers and setbacks would impact the health of swimmers and wildlife by adding significant silt, bacteria and other pollutants. Moreover, the stream flows into an area of the lake that is already struggling with silt deposits; removing the setback would worsen a bad situation.

The property under question is very steep and narrow, which makes it unsuitable for a home and impossible to landscape in a way that would not contribute to continuing and inevitably increasing run-off; there is simply no place for a properly set-back home, never mind a septic tank field. The necessary septic field would pose an additional grave health threat (the property is not on city sewer). This is precisely why this ordinance exists.

The former owner of this property applied for a variance in 2006 and was denied —and with good reason. Since then, nothing has changed, except perhaps that the lake is even under greater pressure from run-off. The present owner purchased the property knowing that the City had denied a variance for cause; he should not be allowed to circumvent the well-considered laws that we all live under.

The cleanliness of this stream has a profound impact on the health and safety of Lake Northridge and —importantly— the Chattahoochee watershed. As a homeowner in Sandy Springs, I rely on our city ordinances and your judgment to protect the safety of my children (who swim in the lake) and the value of my property. I plead that the Board of Appeals will reject this unmerited application.

Thank you for your consideration,  
Sincerely,

*No sign was on Tynecastle Wy notifi of variance*

Thanks - Andy

*Jean Rich-Keenan-1295 Tynecastle Wy, NE, Sandy Springs,  
Ga 30350*

**Howard, Kevin**

---

**From:** William Kane <williamakane@gmail.com>  
**Sent:** Monday, November 03, 2014 12:59 PM  
**To:** COSS Planning and Zoning  
**Subject:** Opposition Letter to Variance Request

November 3, 2014

Attn: Mr. Kevin Howard

Dear Mr. Howard:

**RECEIVED**

**NOV 3 2014**

**City Of Sandy Springs  
Community Development**

I am a Sandy Springs homeowner, for 45+ years, of a property that borders the property for which a variance has been requested. My home is on an 8 acre spring-fed lake with 34 homes that is used for swimming and fishing called Lake Northridge. The overflow from our lake flows under our dam and to the Chattahoochee River. A property owner in a neighboring development has petitioned for a stream buffer variance to build a home that would encroach on the stream buffers and setbacks mandated in the city ordinance. I would like to file a formal, written opposition to this variance request.

The stream for which this individual is requesting a variance feeds our lake and during heavy rains adds a significant amount of water. If the stream buffers and setbacks are not protected, it will impact the health and cleanliness of the lake, including significant silt accumulation and unsafe accumulations of particles such as bacteria that increase with storm water and flooding.

The stream flows into our lake in an area that is already struggling with silt deposits. The buildup of silt affects the beauty of our lake and additionally lowers the value of our properties. The health of swimmers in the lake, as well as the vast wildlife that exists in and around it, including fish, turtles and birds such as blue herons, will be threatened by any increase in bacterial levels or other pollutants that will result if the stream is not protected. Also if a septic field is located within the setback or buffers, that will pose an additional health threat.

This property has a difficult topography, i.e. very hilly and narrow, which makes it unsuitable for a home. The former owner of this property applied for a variance in 2006 and was denied. The present owner purchased the property (in foreclosure for an extremely low price) with the knowledge that the former owners had been unable to build on it, as well as knowledge of the city ordinances that limited development of the property. The new property owner should not be able to circumvent the laws and burden the homeowners of neighboring properties with the additional expense to remove the silt and treat any additional bacteria.

The health and cleanliness of this stream has a great impact on the natural wellbeing of our lake, as well as the surrounding watershed. As a homeowner in Sandy Springs, I rely on our city ordinances for our safety and for the value of my property. I trust that the Board of Appeals will reject this application and protect the rights of property owners and the natural beauty and resources of the area.

Thank you for your consideration,

Sincerely,

**Howard, Kevin**

---

**From:** jimbald31@gmail.com  
**Sent:** Monday, November 03, 2014 11:17 AM  
**To:** COSS Planning and Zoning  
**Subject:** Re. application #201403132

property address: 8212 Hewlett Rd,  
petitioner: Mohammed s Salachi

Attention: Kevin Howard

Dear Mr. Howard,

We are a Sandy Spring homeowner of a property, 1230 Tynecastle Way, that borders the property for which a variance is requested. Our home is located on a 8 acre lake spring fed lake with 34 homes that is used for swimming and fishing called Lake Northridge. The overflow from our lake flows under our dam to the Chattahoochee River. The property owner in a neighboring development has petitioned for a stream buffer variance to build a home that would encroach on the stream buffer setbacks mandated in the city ordinance. We would like to file formal written opposition to this variance request.

The stream for which this individual is requesting a variance feeds our lake and during heavy rain adds a significant amount of water to our lake. This water carries with it silt and additional harmful bacteria. If the stream buffer and setback are not protected it would impact the health and cleanliness of the lake. We already struggle with a silt increase and a bacteria increase threatens not only the health of swimmers but the wildlife which lives in and around our lake.

In addition this property has difficult topography. It is very hilly and narrow unsuitable for a home and a septic system that would further threaten the stream, our lake and the Chattahoochee River. The present owner bought the property in foreclosure knowing that the former owners had been denied a stream buffer variance and knowing that city ordinances denied development of the property.

The health and cleanliness of this stream as well as the surrounding watershed has a great impact on the well being of our lake. As a Sandy Springs homeowner we rely on our city ordinances to protect the safety and value of our property. We ask the Board of Appeals to reject this application.

Thank you for your consideration.

Sincerely,

Janet and Jim Baldwin

Sent from Windows Mail

**RECEIVED**  
NOV 3 2014  
City Of Sandy Springs  
Community Development

Howard, Kevin

**From:** Peter Rayel <repet38@gmail.com>  
**Sent:** Monday, November 03, 2014 11:32 AM  
**To:** COSS Planning and Zoning  
**Cc:** Kayla Lewis; Kayla Lewis; Natalie Uebelacker  
**Subject:** RE: Application #: 201403132 Property address: 8212 Hewlett Road Petitioner: Mohammed S.Salehi

Dear Mr. Howard,

We wish to protest against the above petition. We are Sandy Springs homeowners of a property that borders the property for which a variance is requested. Our home is on an 28 acre spring-fed lake with 34 homes that is used for swimming and fishing called Lake Northridge. The overflow from our lake flows under our dam and to the Chatahoochee River. A property owner in a neighboring development has petitioned for a stream buffer variance to build a home that would encroach on the stream buffers and setbacks mandated in the city ordinance. We would like to file a formal, written opposition to this variance request.

The stream for which this individual is requesting a variance feeds our lake and during heavy rain, adds a significant amount of water. If the stream buffers and setbacks are not protected, it would impact the health and cleanliness of the lake, including significant silt and unsafe particles such as bacteria that increases with stormwater and flooding. The stream flows into our lake in an area that is already struggling with silt deposits. The build up of silt affects the beauty of our lake and additionally lowers the value of our properties. The health of swimmers in the lake, is threatened by any increase in bacterial levels or other pollutants that could result if the stream is not protected. If a septic field is located within the setback or buffers, that would pose an additional health threat.

This property has a difficult topography, ie very hilly and narrow, which makes it unsuitable for a home. The former owner of this property applied for a variance in 2006 and was denied. The present owner purchased the property (in foreclosure for an extremely low price) with the knowledge that former owners had been unable to build on it, as well as knowledge of the city ordinances that limited development of the property. The property owner should not then be able to circumvent the laws and burden the homeowners of neighboring properties.

The health and cleanliness of this stream has a great impact on the natural well being of our lake, as well as the surrounding watershed. As homeowner  
S  
in Sandy Springs,  
we  
rely on our city ordinances  
for  
our safety and for the value of  
our  
property. I trust that the Board of Appeals will reject this application and protect the rights of property owners and the natural beauty and resources of the area.

Thank you for your consideration,

Sincerely,

Renée and Peter Rayel  
1035 Ridge Tarn  
Sandy Springs 30350

RECEIVED

NOV 3 2014

City Of Sandy Springs  
Community Development

**Howard, Kevin**

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**From:** Kayla Lewis <kaylaenglelewis@icloud.com>  
**Sent:** Monday, November 03, 2014 8:37 AM  
**To:** COSS Planning and Zoning  
**Subject:** Re: stream buffer variance petition #: 201403132

Kayla Engle-Lewis and Jeff Lewis  
8255 Berkley Ridge  
Atlanta, GA 30350

**RECEIVED**

**NOV 3 2014**

**City Of Sandy Springs**  
**Community Development**

RE: Application #: [201403132](#) Property address: [8212 Hewlett Road](#) Petitioner: Mohammed S.Salehi

Dear Mr Howard;

We are Sandy Springs homeowners of a property that borders the property for which a variance is requested. Our home is on an 8 acre spring-fed lake with 34 homes that is used for swimming and fishing called Lake Northridge. The overflow from our lake flows under our dam and to the Chatahoochee River. A property owner in a neighboring development has petitioned for a stream buffer variance to build a home that would encroach on the stream buffers and setbacks mandated in the city ordinance. We would like to file a formal, written opposition to this variance request.

The stream for which this individual is requesting a variance feeds our lake and during heavy rain, adds a significant amount of water. If the stream buffers and setbacks are not protected, it would impact the health and cleanliness of the lake, including significant silt and unsafe particles such as bacteria that increases with stormwater and flooding.

The stream flows into our lake in an area that is already struggling with silt deposits. The build up of silt affects the beauty of our lake and additionally lowers the value of our properties. The health of swimmers in the lake, as well as the vast wildlife that exists in and around it, including fish, turtles, birds such as blue herons, are threatened by any increase in bacterial levels or other pollutants that could result if the stream is not protected. If a septic field is located within the setback or buffers, that would pose an additional health threat.

This property has a difficult topography, ie very hilly and narrow, which makes it unsuitable for a home. The former owner of this property applied for a variance in 2006 and was denied. The present owner purchased the property (in foreclosure for an extremely low price) with the knowledge that former owners had been unable to build on it, as well as knowledge of the city ordinances that limited development of the property. The property owner should not then be able to circumvent the laws and burden the homeowners of neighboring properties.

The health and cleanliness of this stream has a great impact on the natural well being of our lake, as well as the surrounding watershed. As a homeowner in Sandy Springs, we rely on our city ordinances our safety and for

Howard, Kevin

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**From:** Johanna Asher <asher.johanna@gmail.com>  
**Sent:** Monday, November 03, 2014 2:26 PM  
**To:** COSS Planning and Zoning  
**Cc:** Kayla Lewis; sbethea@chattahoochee.org  
**Subject:** Application No. 201403132 at 8212 Hewlett Road Petitioner: Mohammed S.Salehi

Dear Mr. Kevin Howard:

We own a home at 995 Ridge Tarn in Sandy Springs, a property that is on Lake Northridge, a 30-acre spring-fed lake, with 33 other private homes. A feeder spring to our lake begins on the property at 8212 Hewlett Road requesting a variance for building a single family home. We are opposed to this project.

Our lake is used for recreational purposes including swimming, kayaking and fishing. Overflow from our lake runs directly to the Chattahoochee River. The property owner at 8212 Hewlett Road has petitioned for a stream buffer variance to build a home that would encroach on the protective stream buffers and setbacks mandated in the city ordinance. We would like to file a formal, written opposition to this variance request. **Past construction projects have deposited so much silt in our lake that silt is changing the usable size of our lake.**

The stream for which this individual is requesting a variance feeds our lake and during heavy rain adds a significant amount of water.

Lake Northridge is already struggling with silt deposits. The build-up of silt continues to affect the cleanliness and usefulness of our lake and ultimately lowers the value of our properties. The health of swimmers in the lake, as well as the wildlife that exists in and around it, including fish, turtles, birds such as blue herons, are threatened by any increase in bacterial levels or other pollutants that could result if the stream is not protected. If a septic field is located within the setback or buffers, that would pose an additional health threat. If the stream buffers and setbacks are not protected, it will impact the health and cleanliness of the lake, including unsafe particles such as bacteria that increases with storm water and flooding.

The property at 8212 Hewlett Road has a difficult topography, i.e. very hilly and narrow, which makes it unsuitable for a home. The property is heavily wooded, likely with old-growth trees, and would require a tremendous amount of land disturbance to construct a home. The former owner of this property applied for a variance in 2006 and was denied. The present owner purchased the property (in foreclosure for an extremely low price) with the knowledge that former owners had been unable to build on it, as well as knowledge of the city ordinances that limited development of the property. The property owner should not then be allowed to circumvent the laws and burden the homeowners of neighboring properties.

The health and cleanliness of this stream has a great impact on the natural well being of our lake, as well as the surrounding watershed. As a homeowner in Sandy Springs, we rely on our city ordinances our safety and for the value of our property.

Please reject this variance application and protect the rights of property owners and the natural beauty and resources of our neighborhood.

Thank you for your consideration,

Johanna and Joey Asher  
995 Ridge Tarn  
Sandy Springs 30350  
678-641-1670

**RECEIVED**

NOV 8 2014

City of Sandy Springs  
Community Development

Andrew Friede, MD, MPH  
1250 Tynecastle Way  
Sandy Springs, GA 30350

260.577.2266  
[AF3308@gmail.com](mailto:AF3308@gmail.com)

Ruth Coan, Chair  
Board of Appeals  
City of Sandy Springs  
7840 Roswell Road  
Atlanta, GA 30350

Dear Ms. Coan,

November 3, 2014

This letter is a formal opposition to this variance request: Application #: 201403132 Property address: 8212 Hewlett Road Petitioner: Mohammed S. Salehi.

The variance concerns weakening the stream buffers and set-backs that would be required to build a new home on pristine land. This stream feeds Lake Northridge, a 25 acre lake with 34 homes that is used for swimming and fishing, and that forms part of the Chattahoochee River watershed. My home is on the Lake and the stream under question abuts my property.

When it rains, the stream adds a significant amount of water to the Lake. Weakening the stream buffers and setbacks would impact the health of swimmers and wildlife by adding significant silt, bacteria and other pollutants. Moreover, the stream flows into an area of the lake that is already struggling with silt deposits; removing the setback would worsen a bad situation.

The property under question is very steep and narrow, which makes it unsuitable for a home and impossible to landscape in a way that would not contribute to continuing and inevitably increasing run-off; there is simply no place for a properly set-back home, never mind a septic tank field. The necessary septic field would pose an additional grave health threat (the property is not on city sewer). This is precisely why this ordinance exists.

The former owner of this property applied for a variance in 2006 and was denied —and with good reason. Since then, nothing has changed, except perhaps that the lake is even under greater pressure from run-off. The present owner purchased the property knowing that the City had denied a variance for cause; he should not be allowed to circumvent the well-considered laws that we all live under.

The cleanliness of this stream has a profound impact on the health and safety of Lake Northridge and —importantly— the Chattahoochee watershed. As a homeowner in Sandy Springs, I rely on our city ordinances and your judgment to protect the safety of my children (who swim in the lake) and the value of my property. I plead that the Board of Appeals will reject this unmerited application.

Thank you for your consideration,

Sincerely,

Andrew Friede

**RECEIVED**

NOV 8 2014

City of Sandy Springs  
Community Development

**Howard, Kevin**

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**From:** Kayla Lewis <kaylaenglelewis@me.com>  
**Sent:** Monday, November 03, 2014 2:55 PM  
**To:** Howard, Kevin  
**Subject:** re: stream buffer variance petition #: 201403132  
**Attachments:** pastedGraphic.pdf

re: opposition to stream buffer variance petition #: 201403132

Dear Mr. Howard;

I am sending you some photos of Lake Northridge, which I thought would be helpful in understanding the beauty and natural setting of our lake, as well as the its recreational use.

Sincerely,

Kayla Engle-Lewis



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NOV 3 2014

City Of Seviy Springs  
Community Development



RECEIVED

NOV 3 2014

City Of Sandy Springs  
Community Development

## Howard, Kevin

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**From:** Penny Raney <raneypb@cs.com>  
**Sent:** Wednesday, November 05, 2014 9:49 AM  
**To:** COSS Planning and Zoning  
**Subject:** Re:variance application #201403132 for 8212 Hewlett Road

Ruth Coan, Chair  
Board of Appeals  
City of Sandy Springs  
7840 Roswell Road  
Atlanta, GA 30350

November 5, 2014

Dear Ms. Coan,

This letter is in opposition to the variance request: Application #: 201403132 Property address: 8212 Hewlett Road  
Petitioner: Mohammed S. Salehi.

The variance concerns weakening the stream buffers and set-backs that would be required to build a new home. This stream feeds Lake Northridge, a 25 acre lake with 34 homes that is used for swimming and fishing, and that forms part of the Chattahoochee River watershed. My home is on the lake.

When it rains, the stream adds a significant amount of water to the lake. Weakening the stream buffers and setbacks would impact the health of swimmers and wildlife by adding significant silt, bacteria and other pollutants. Moreover, the stream flows into an area of the lake that is already struggling with silt deposits; removing the setback would worsen a bad situation. The property under question is very steep and narrow, which makes it unsuitable for a home and impossible to landscape in a way that would not contribute to continuing and inevitably increasing run-off; there is simply no place for a properly set-back home or a septic tank field. The necessary septic field would pose an additional grave health threat (the property is not on city sewer). This is precisely why this ordinance exists.

The former owner of this property applied for a variance in 2006 and was denied —and with good reason. Since then, nothing has changed, except perhaps that the lake is even under greater pressure from run-off. The present owner purchased the property knowing that the City had denied a variance for cause; he should not be allowed to circumvent the well-considered laws that we all live under. The cleanliness of this stream has a profound impact on the health and safety of Lake Northridge and —importantly— the Chattahoochee watershed. As a homeowner in Sandy Springs, I rely on our city ordinances and your judgment to protect our environment and my property.

I feel the Board of Appeals should abide by our city's stream buffer ordinances and reject this application.

Thank you for your consideration,

Sincerely,

Penny Raney  
8390 High Tarn

Andrew Friede, MD, MPH  
1250 Tynecastle Way  
Sandy Springs, GA 30350

260.577.2266  
[AF3308@gmail.com](mailto:AF3308@gmail.com)

Ruth Coan, Chair  
Board of Appeals  
City of Sandy Springs  
7840 Roswell Road  
Atlanta, GA 30350

Dear Ms. Coan,

November 3, 2014

This letter is a formal opposition to this variance request: Application #: 201403132 Property address: 8212 Hewlett Road Petitioner: Mohammed S. Salehi.

The variance concerns weakening the stream buffers and set-backs that would be required to build a new home on pristine land. This stream feeds Lake Northridge, a 25 acre lake with 34 homes that is used for swimming and fishing, and that forms part of the Chattahoochee River watershed. My home is on the Lake and the stream under question abuts my property.

When it rains, the stream adds a significant amount of water to the Lake. Weakening the stream buffers and setbacks would impact the health of swimmers and wildlife by adding significant silt, bacteria and other pollutants. Moreover, the stream flows into an area of the lake that is already struggling with silt deposits; removing the setback would worsen a bad situation.

The property under question is very steep and narrow, which makes it unsuitable for a home and impossible to landscape in a way that would not contribute to continuing and inevitably increasing run-off; there is simply no place for a properly set-back home, never mind a septic tank field. The necessary septic field would pose an additional grave health threat (the property is not on city sewer). This is precisely why this ordinance exists.

The former owner of this property applied for a variance in 2006 and was denied —and with good reason. Since then, nothing has changed, except perhaps that the lake is even under greater pressure from run-off. The present owner purchased the property knowing that the City had denied a variance for cause; he should not be allowed to circumvent the well-considered laws that we all live under.

The cleanliness of this stream has a profound impact on the health and safety of Lake Northridge and —importantly— the Chattahoochee watershed. As a homeowner in Sandy Springs, I rely on our city ordinances and your judgment to protect the safety of my children (who swim in the lake) and the value of my property. I plead that the Board of Appeals will reject this unmerited application.

Sincerely,



Andrew Friede

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NOV 6 2014

City Of Sandy Springs  
Community Development

wendy kuehn

To: Mark Uebelacker  
Subject: RE: Lake Northridge Assoc-URGENT ACTION NEEDED-

link to Ordinance:

<http://www.sandyspringsga.org/SandySprings/media/Documents/Community%20Development/Land%20Development%20and%20Environmental%20Protection/Art6-StreamBufferProtOrd.pdf>

Sample letter:

send emails to: [PZ@sandyspringsga.gov](mailto:PZ@sandyspringsga.gov)

Address them to Mr. Kevin Howard

RE: Application #: 201403132 Property address: 8212 Hewlett Road Petitioner:  
Mohammed S.Salehi

Dear Mr Howard;

I/We am a Sandy Springs homeowner of a property that borders the property for which a variance is requested. My/Our home is on an 8 acre spring-fed lake with 34 homes that is used for swimming and fishing called Lake Northridge. The overflow from our lake flows under our dam and to the Chatahoochee River. A property owner in a neighboring development has petitioned for a stream buffer variance to build a home that would encroach on the stream buffers and setbacks mandated in the city ordinance. I would like to file a formal, written opposition to this variance request.

The stream for which this individual is requesting a variance feeds our lake and during heavy rain, adds a significant amount of water. If the stream buffers and setbacks are not protected, it would impact the health and cleanliness of the lake, including significant silt and unsafe particles such as bacteria that increases with stormwater and flooding.

The stream flows into our lake in an area that is already struggling with silt deposits. The build up of silt affects the beauty of our lake and additionally lowers the value of our properties. The health of swimmers in the lake, as well as the vast wildlife that exists in and around it, including fish, turtles, birds such as blue herons, are threatened by any increase in bacterial levels or other pollutants that could result if the stream is not protected. If a septic field is located within the setback or buffers, that would pose an additional health threat.

This property has a difficult topography, ie very hilly and narrow, which makes it unsuitable for a home. The former owner of this property applied for a variance in 2006 and was denied. The present owner purchased the property (in foreclosure for an extremely low price) with the knowledge that former owners had been unable to build on it, as well as knowledge of the city ordinances that limited development of the property. The property owner should not then be able to circumvent the laws and burden the homeowners of neighboring properties.

The health and cleanliness of this stream has a great impact on the natural well being of our lake, as well as the surrounding watershed. As a homeowner in Sandy Springs, I rely on our city ordinances our safety and for the value of my property. I trust that the Board of Appeals will reject this application and protect the rights of property owners and the natural beauty and resources of the area.

Thank you for your consideration,

Sincerely,

Wendy Kuehn  
1055 Ridge TARN Dr.  
ATL, GA 30350

RECEIVED

NOV 6 2014

City Of Sandy Springs  
Community Development

5 November 2014

Ruth Coan, Chair  
Board of Appeals  
City of Sandy Springs  
7840 Roswell Road  
Atlanta, GA 30350

Re: Variance Request  
Application Number: 201403132  
Property Address: 8212 Hewlett Road, Sandy Springs, 30350  
Petitioner: Mohammed S. Salehi

My husband and I are sending a formal letter of opposition to the above variance request.

The variance request concerns stream buffers and set backs for a new home-for creeks that feed into Lake Northridge. Lake Northridge is a 20+ acre lake situated between Spalding Drive and Northridge Road, with 30+ homes on it. This lake is used for swimming and fishing, and feeds directly into the Chattahoochee River Watershed Basin..

Lake Northridge is an almost pristine lake, with abundant wildlife and plant diversity. The stream buffers are to protect the lake from silting and other pollutants. . .we already have significant silting . . because of inadequate check dams and construction areas and their run-off.

This property is unsuitable for a home (look at the property layout), and worse, a septic field. Almost every homeowner on the lake uses the lake to swim. We have bacteria testing several times a year to check for coliforms and other bacteria. There is a huge volume of water that flows from Spalding and Hewlett Roads during heavy rains, and a home will only add to the flow of water, silt, and pollution into the Chattahoochee River Watershed Basin.

There is NO real area for a new septic field with proper percolation to adequately handle the lot configuration. This same variance was denied in 2006 by Fulton County, before Sandy Springs became a city--for the same reason(s). The run-off has actually gotten worse with more traffic in the Spalding, Roberts, and Northridge / GA 400 road areas--with car and other pollutants.

We have lived on this lake for 25 years--and want to see it properly cared for.

My husband and I truly hope the Board of Appeals will block this variance request. It was denied earlier for a reason--that reason is only stronger now!

Respectfully,



Martha H. Smith  
1045 Ridge Tarn  
Sandy Springs, GA 30350  
770-393-1148

**RECEIVED**

**NOV 10 2014**

**City Of Sandy Springs  
Community Development**

## Howard, Kevin

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**From:** Rosenberg, Ken (Ext. 212026) <Ken.Rosenberg@RNDC-USA.COM>  
**Sent:** Monday, December 29, 2014 6:31 PM  
**To:** Howard, Kevin  
**Subject:** Hewlett Rd Variance

Kevin,

I live at 8232 hewlett Rd I oppose issuing a permit to allow someone to build on the open lot on the street first of all they would have to remove many trees and position the house very close to the flowing stream on the property. They would also have to built a Septic system that several people have tried to get a permit to build one and they have all been denied. The city has denied a permit to build on this property twice and once it was approved but they could not get a permit to put in a septic system. At the last hearing 60 days ago your board request that the current owner meet with the residence in the neighborhood to discuss and show us what he was going to build "this has not been done not attempt was made and this was one of the main reason the SS board gave him 60 days until next hearing. The owner also wants to build a smaller House than our Homeowners policy allows.

What we are willing to do is buy back the property for the full purchase amount he paid for it and we would turn it into a natural park for all the Hewlett Rd residences.

Thank you

*Best Regards,  
Ken*

*Ken Rosenberg  
Vice President, Wine  
Republic National Distributing Company - USA  
Office = 404-472-2026  
Cell = 404-444-9499  
[Ken.Rosenberg@RNDC-USA.com](mailto:Ken.Rosenberg@RNDC-USA.com)*

**RECEIVED**  
DEC 30 2014  
City Of Sandy Springs  
Community Development

**Howard, Kevin**

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**From:** Debra Taylor <debhorsylady@comcast.net>  
**Sent:** Monday, December 29, 2014 8:44 PM  
**To:** Howard, Kevin

Stream Buffer Variance Opposition  
8212 Hewlett Road  
January, 2015

As an adjacent property owner as well as direct downstream lake owner of the above-referenced property I want to express my opposition to the Stream Buffer Variance request number [201403132](#).

The stream directly feeds our lake. The stream is natural and the (damed) lake is over 50 years old. Upstream development has already silted the cove this stream empties into, to the extent that there is now several feet of silt bar. Encroachment on the 75 foot stream buffer is only going to exacerbate the current undesirable situation, and negatively impact the health of the lake, which provides wonderful recreation (including swimming and fishing) for the residents, an exceptional wildlife habitat, and then empties into the Chattahoochee watershed.

I also oppose the development due to the impact it would have on the ecosystem of the area. For one, there are at least 7 mature specimen trees on the property which would be in danger of root encroachment. The trees are at least 30 years old each. In addition to these trees, the property and surrounding properties are heavily wooded and very healthy. The ecosystem of the property and area supports deer, fox, barred owls, and hawks, as well as a large variety of smaller animals and aquatic species.

In addition to having a significant negative impact on the ecosystem of the surrounding woods and lake, granting a stream buffer variance would significantly and permanently have a negative impact on the character and integrity of the surrounding neighborhoods.

It is further important for the board to consider the fact that, despite being directed to do so by your board, the property owner has not contacted any of the neighbors in an effort to develop a working relationship with them.

Please also note that a variance request for this property was previously denied in 2006.  
This property has been denied 2 separate times before for a variance  
Thank you for your consideration.

Debbie Taylor 8242 Hewlett rd sandy springs ga 30350

**RECEIVED**

DEC 30 2014

City Of Sandy Springs  
Community Development

Stream Buffer Variance Opposition  
8212 Hewlett Road  
January, 2015

As a Hewlett Road property owner, I want to express my opposition to the Stream Buffer Variance request number 201403132.

The stream directly feeds the lake. The stream is natural and the (damed) lake is over 50 years old. Upstream development has already silted the cove this stream empties into, to the extent that there is now several feet of silt bar. Encroachment on the 75 foot stream buffer is only going to exacerbate the current undesirable situation, and negatively impact the health of the lake, which provides wonderful recreation (including swimming and fishing) for the residents, an exceptional wildlife habitat, and then empties into the Chattahoochee watershed.

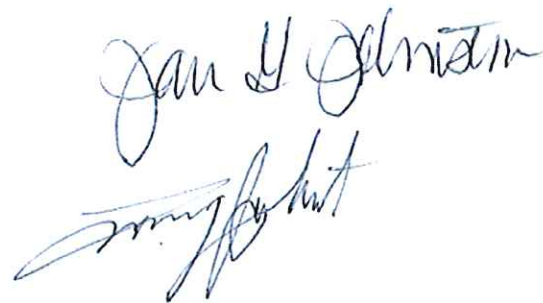
I also oppose the development due to the impact it would have on the ecosystem of the area. For one, there are at least 7 mature specimen trees on the property which would be in danger of root encroachment. The trees are at least 30 years old each. In addition to these trees, the property and surrounding properties are heavily wooded and very healthy. The ecosystem of the property and area supports deer, fox, barred owls, and hawks, as well as a large variety of smaller animals and aquatic species.

In addition to having a significant negative impact on the ecosystem of the surrounding woods and lake, granting a stream buffer variance would significantly and permanently have a negative impact on the character and integrity of the surrounding neighborhoods.

It is further important for the board to consider the fact that, despite being directed to do so by your board, the property owner has not contacted any of the neighbors in an effort to develop a working relationship with them.

Please also note that a variance request for this property was previously denied in 2006.

Thank you for your consideration.



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DEC 30 2014

City Of Sandy Springs  
Community Development

ELLIOTT MICHAEL SERVER

March 12, 2012

Kelly S. King  
Office of the Chairman  
BB&T Corporation  
200 West Second Street  
Winston-Salem, NC 27101

Potential Failure to Disclose –  
Property at 8212 Hewlett Road, Atlanta, GA 30350 (Lot 4)

Dear Mr. King:

I trust you will route this letter to the proper area for resolution. I am writing to you to alert you to a matter that may subject your organization to a litigation potential with regards to a property in your current portfolio as referenced above. I feel compelled to alert you as I am the owner of the home located on the adjacent lot, and over the past several months, a number of people have approached me with questions regarding the above referenced property. To my dismay, there does appear to be a failure by some representing your organization to provide what I believe would be reasonable disclosures related directly to that property.

I am quite familiar with the said property having once been the owner a number of years ago. Back then, I purchased Lot 4 from the original builder for approximately \$262,000 which is what I believe was his cost. I sold the property approximately fifteen months later for \$325,000. The purchaser held himself out to be a professional builder; the sale included a valid building permit and perk test. He represented that he planned to begin construction almost immediately.

Over the next period of time, plans were never properly submitted by the purchaser. Then, the City of Sandy Springs came into being and all of the properties on Hewlett Road became subject to new building codes. In addition, the housing market bubble burst and in the end, the purchaser lost the property to BB&T.

Currently, BB&T has the property listed at \$75,000 which admittedly sounds like a great deal. The only problem is that it is not likely that a house could be built on that property for any number of reasons that include: 1) unlikely to be able to develop a floor plan with the new Sandy Springs codes that would meet the requirements and approval of the sub-division covenants, 2) unlikely that the property will currently perk properly, 3) unlikely that the County would permit potential negative impact to the stream that runs near the property and that impacts the lake across the adjacent street.

With these things in mind, I would be happy to discuss with one of your legal representatives possible alternatives to assist you in disposing of this particular piece of property. I do not care to speak with your realtor as do not believe they understand the issues at hand. I can be reached at 770-392-1293.

Cordially,



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DEC 30 2014

City Of Sandy Springs  
Community Development

ELLIOTT MICHAEL SERVER

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December 29, 2014

DEC 30 2014

Mr. Kevin Howard  
Planner 1  
City of Sandy Springs  
[khoward@sandyspringsga.gov](mailto:khoward@sandyspringsga.gov)

City Of Sandy Springs  
Community Development

RE: Hewlett Road Variance Meeting Scheduled for January 8, 2015 at 7 PM

The following letter should be part of the file: It is copied here as part of the body of this letter and the original will be sent along as an attachment.

March 12, 2012

Kelly S. King  
Office of the Chairman  
BB&T Corporation  
200 West Second Street  
Winston-Salem, NC 27101

Potential Failure to Disclose –  
Property at 8212 Hewlett Road, Atlanta, GA 30350 (Lot 4)

Dear Mr. King:

I trust you will route this letter to the proper area for resolution. I am writing to you to alert you to a matter that may subject your organization to a litigation potential with regards to a property in your current portfolio as referenced above. I feel compelled to alert you as I am the owner of the home located on the adjacent lot, and over the past several months, a number of people have approached me with questions regarding the above referenced property. To my dismay, there does appear to be a failure by some representing your organization to provide what I believe would be reasonable disclosures related directly to that property.

I am quite familiar with the said property having once been the owner a number of years ago. Back then, I purchased Lot 4 from the original builder for approximately \$262,000 which is what I believe was his cost. I sold the property approximately fifteen months later for \$325,000. The purchaser held himself out to be a professional builder; the sale included a valid building permit and perk test. He represented that he planned to begin construction almost immediately.

Over the next period of time, plans were never properly submitted by the purchaser. Then, the City of Sandy Springs came into being and all of the properties on Hewlett Road became subject to new building codes. In addition, the housing market bubble burst and in the end, the purchaser lost the property to BB&T.

Currently, BB&T has the property listed at \$75,000 which admittedly sounds like a great deal. The only problem is that it is not likely that a house could be built on that property for any number of reasons that include: 1) unlikely to be able to develop a floor plan with the new Sandy Springs codes that would meet the requirements and approval of the sub-division covenants, 2) unlikely that the property will currently perk properly, 3) unlikely that the County would permit potential negative impact to the stream that runs near the property and that impacts the lake across the adjacent street.

With these things in mind, I would be happy to discuss with one of your legal representatives possible alternatives to assist you in disposing of this particular piece of property. I do not care to speak with your realtor as do not believe they understand the issues at hand. I can be reached at 770-392-1293.

Cordially,

8222 Hewlett Road, Atlanta, Georgia 30350  
Voice: 770-392-1293 Cellular: 404-447-6466 e-mail: [et0026@aol.com](mailto:et0026@aol.com)

ELLIOTT MICHAEL SERVER

I plan to attend the meeting as scheduled on January 8, 2015 at 7 PM and will be happy to answer any questions of the Board that may assist in their work.

I would like to point out that to the best of my knowledge; neither I have nor any of the two other October Farms residents been contacted by the petitioner. I have seen no plans of any type as required by our covenants and have seen no plans regarding the property in general

Finally, I should point out that the stream buffer at issue is mostly on my property. When I purchased my home it was partly based on the fact that I always wanted a home on a stream and thus any restrictions that might imply were to my liking. When I purchased the lot at issue, it was with the understanding that if I were to build on it, I would not violate the integrity of the stream buffer.

Please accept my very best wishes for a very Happy New Year.

Cordially,



Elliott M. Server  
8222 Hewlett Road  
Sandy Springs, GA 30350

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City Of Sandy Springs  
Community Development

8222 Hewlett Road, Atlanta, Georgia 30350  
Voice: 770-392-1293 Cellular: 404-447-6466 e-mail: et0026@aol.com

Stream Buffer Variance Opposition  
8212 Hewlett Road  
January, 2015

Dear Sirs,

My name is Larry Johnston.

I have lived at 8200 Hewlett Road since 1979. In the valley behind my house, I can always remember there was running water in that valley. I oppose this development in concern of what it would do to the ecosystem to the area since it is a huge deer habitat and also home to fox, raccoons, hawks and several other small game in this small section of woods.

There are numerous trees that appear to be hundreds of years old, on this property and also surrounding this property, which would be destroyed...many are on my property. When large scale digging is performed, the root systems of these trees will be cut and compromised. I would be happy to walk the property line with anyone concerned if needed.

I'm very concerned that granting a stream buffer variance would negatively impact our neighborhood and the surrounding neighborhoods. It would disturb the character and beauty of the area which are two of the reasons I chose to live on Hewlett Road 35 years ago.

Please take all these concerns in to consideration.

Thank you,



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Community Development

Stream Buffer Variance Opposition  
8212 Hewlett Road  
January, 2015

As an adjacent property owner as well as direct downstream lake owner of the above-referenced property I want to express my opposition to the Stream Buffer Variance request number 201403132.

The stream directly feeds our lake. The stream is natural and the (damed) lake is over 50 years old. Upstream development has already silted the cove this stream empties into, to the extent that there is now several feet of silt bar. Encroachment on the 75 foot stream buffer is only going to exacerbate the current undesirable situation, and negatively impact the health of the lake, which provides wonderful recreation (including swimming and fishing) for the residents, an exceptional wildlife habitat, and then empties into the Chattahoochee watershed.

I also oppose the development due to the impact it would have on the ecosystem of the area. For one, there are at least 7 mature specimen trees on the property which would be in danger of root encroachment. The trees are at least 30 years old each. In addition to these trees, the property and surrounding properties are heavily wooded and very healthy. The ecosystem of the property and area supports deer, fox, barred owls, and hawks, as well as a large variety of smaller animals and aquatic species.

In addition to having a significant negative impact on the ecosystem of the surrounding woods and lake, granting a stream buffer variance would significantly and permanently have a negative impact on the character and integrity of the surrounding neighborhoods.

It is further important for the board to consider the fact that, despite being directed to do so by your board, the property owner has not contacted any of the neighbors in an effort to develop a working relationship with them.

Please also note that a variance request for this property was previously denied in 2006.

Thank you for your consideration.

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**DEC 30 2014**

City Of Sandy Springs  
Community Development

**Howard, Kevin**

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**From:** Andrew Taylor <andrew\_taylor30350@yahoo.com>  
**Sent:** Tuesday, December 30, 2014 1:41 PM  
**To:** Howard, Kevin  
**Cc:** Naomi Alazraki  
**Subject:** Stream buffer variance opposition

Kevin Howard, Planner I

Dear Mr Howard:

Re: Stream Buffer Variance Opposition  
8212 Hewlett Road  
January, 2015

As a direct downstream lake owner of the above-referenced property I want to express my opposition to the Stream Buffer Variance request number 201403132.

The stream directly feeds our lake. The stream is natural and the (damed) lake is over 50 years old. Upstream development has already silted the cove this stream empties into, to the extent that there is now several feet of silt bar. Encroachment on the 75 foot stream buffer is only going to exacerbate the current undesirable situation, and negatively impact the health of the lake, which provides wonderful recreation (including swimming and fishing) for the residents, an exceptional wildlife habitat, and then empties into the Chattahoochee watershed.

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It is further important for the board to consider the fact that, despite being directed to do so by your board, the property owner has not contacted any of the neighbors in an effort to develop a working relationship with them.

Please also note that a variance request for this property was previously denied in 2006.

Thank you for your consideration.

Andrew Taylor  
1220 Tynecastle Way  
Atlanta, GA 30350

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City Of Sandy Springs  
Community Development

**Howard, Kevin**

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**From:** Ty White <ty.white@PeachlandHomes.com>  
**Sent:** Tuesday, December 30, 2014 11:12 AM  
**To:** Howard, Kevin  
**Subject:** 8212 Hewlett Road variance

Kevin.

My name is Ty White, I live at 8186 Hewlett Rd. I'm writing to petition the city to deny the pending variance application at 8212 Hewlett Rd.

Kevin I don't know if you recall or not, but I came to your office and set down with you to review the applications petition when this variance first came before the board. I also spoke in opposition to this variance when it was first heard last November's meeting. These are the two main concerns I have which I feel if properly considered would leave the city tonight this variance request.

1. In 2006, the city denied a similar variance request for this property. The reasons the city denied that permit was because via mound of encroachment in the 75 foot stream buffer are in the effects that it would have on the property. I believe you will find if you look at that old application, the amount of variance been requested was less than the current applicants request. This seems very important to me, because as a citizen of Sandy Springs I would like to think that there's consistency in the application of the laws in the various procedures. Furthermore, the applicant purchase this property two years ago with full knowledge that such an application had been denied by the city.

2. To date, I have not seen any representation on any of the applicants submittals for the city that shows the proposed or permitted septic plan. Just want to require a septic permit for any home to be built on the slot, and that will have an additional impact on the stream buffers. I believe the full impact what's being proposed should be presented to the city is part of this process so that this can be properly considered.

These are and have been my primary concerns with this variance request. As of this date, the applicant has still not made any contact with me to discuss how they may be able to address and overcome these concerns. It seems to me the applicants unwillingness to meet with you adjacent property owners to discuss their plans in detail seems to be somewhat disingenuous. Since this was the applicants reasoning for asking for deferral when this application was first heard this past November.

Please include this correspondence in the file with this application to be re-heard in January. Thank you again for all your assistance with this matter.

Sincerely,  
Ty White  
8186 Hewlett Road

Please excuse any typos, this was dictated into an iPhone.

Sent from my iPhone

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**DEC 30 2014**

**City Of Sandy Springs  
Community Development**

Howard, Kevin

**From:** Art Katz <ArtKatz@dunwoodygroup.com>  
**Sent:** Tuesday, December 30, 2014 9:22 AM  
**To:** Howard, Kevin  
**Cc:** Lynn & Pat Tinley (lynntinley@comcast.net)  
**Subject:** FW: Hewlett Road variance request  
**Attachments:** 8212 Hewlett Rd 2015 Word.doc; ATT00001..htm

Dear Kevin –

I am one of the property owners on the cove that would be impacted. One visit will see the mess created by the siltation that has gone on through the years, primarily due to upstream development. The siltation problem will only get worse by granting this variance, and frankly, an eyesore will be exacerbated. Add to this that one can no longer get even a kayak to the part of the cove where the creek enters the cove, and you will have some appreciation for the siltation problem.

For all the reasons in the enclosed letter, and as one of the property owners who lives with the cove every day, I implore the committee to deny the request.

Owner 1240 Tynecastle Way  
**Art Katz**  
Executive Recruiter  
Ring of Honor / MRI Hall of Fame  
**770-628-0521 (P) \*Please note new phone number\***  
678.429.4091 (C)  
[artkatz@dunwoodygroup.com](mailto:artkatz@dunwoodygroup.com)  
[www.dunwoodygroup.com](http://www.dunwoodygroup.com)  
[www.linkedin.com/in/artkatz](http://www.linkedin.com/in/artkatz)



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Community Development

Stream Buffer Variance Opposition  
8212 Hewlett Road  
January, 2015

As an adjacent property owner as well as direct downstream lake owner of the above-referenced property I want to express my opposition to the Stream Buffer Variance request number 201403132.

The stream directly feeds our lake. The stream is natural and the (damed) lake is over 50 years old. Upstream development has already silted the cove this stream empties into, to the extent that there is now several feet of silt bar. Encroachment on the 75 foot stream buffer is only going to exacerbate the current undesirable situation, and negatively impact the health of the lake, which provides wonderful recreation (including swimming and fishing) for the residents, an exceptional wildlife habitat, and then empties into the Chattahoochee watershed.

I also oppose the development due to the impact it would have on the ecosystem of the area. For one, there are at least 7 mature specimen trees on the property which would be in danger of root encroachment. The trees are at least 30 years old each. In addition to these trees, the property and surrounding properties are heavily wooded and very healthy. The ecosystem of the property and area supports deer, fox, barred owls, and hawks, as well as a large variety of smaller animals and aquatic species.

In addition to having a significant negative impact on the ecosystem of the surrounding woods and lake, granting a stream buffer variance would significantly and permanently have a negative impact on the character and integrity of the surrounding neighborhoods.

It is further important for the board to consider the fact that, despite being directed to do so by your board, the property owner has not contacted any of the neighbors in an effort to develop a working relationship with them.

Please also note that a variance request for this property was previously denied in 2006.

Thank you for your consideration.

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City Of Sandy Springs  
Community Development

**DRAFT CONDITIONS**  
**8212 Hewlett Road**

1. Land disturbance will be permitted within 10 feet of the house structure and accessory uses as shown on the approved site plan. Where there is intrusion for the land disturbance in the 50-foot tributary buffer, the area disturbed shall be replanted to riparian buffer standards, subject to the approval of the City Arborist, prior to the issuance of a certificate of occupancy.
2. Install Turbidity Curtain in Lake Northridge (what location?) as specified in the Manual for Erosion and Sediment Control in Georgia, 6<sup>th</sup> Edition 2014. This detail should be modified to extend the silt screen curtain all the way to the lake bottom.
3. Prior to any permitted activity on the property, the applicant shall prepare a silt survey of the existing lake bottom elevations. This survey would establish a measurable base line. Prior to the issuance of the certificate of occupancy, a silt survey should be prepared post-construction to determine if remediation is required by the applicant. If remediation is required any necessary permitting and a schedule shall be established under the oversight of the City of Sandy Springs.

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**DEC 30 2014**

City Of Sandy Springs  
Community Development

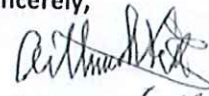
12/16/14

Members of the Board of Appeals  
City of Sandy Springs

Dear Madam Chair and members of the Board:

I hereby give my general authorization to access Lake Northridge through my property in order to allow the installation of a turbidity curtain during the period of construction of the house and ancillary improvements on the property at 8212 Hewlett Road. This general approval is subject to final information from the builder on the period of access, method of access and route proposed in crossing my property. This agreement concludes prior to the issuance of a certificate of occupancy at this location.

Sincerely,



ARTHUR E. KATZ  
1240 Tynecastle Way  
Sandy Springs, Ga 30350

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DEC 30 2014

City Of Sandy Springs  
Community Development

Andrew Friede, MD, MPH  
1250 Tynecastle Way  
Atlanta, GA 30350  
Home and Cell 260.577.2266  
AF3308@gmail.com

Members of the Board of Appeals  
City of Sandy Springs

Dear Madam Chair and members of the Board:

Dec 17, 2014

I hereby give my general authorization to access Lake Northridge through my property to allow the installation of a turbidity curtain during the period of construction of the house and ancillary improvements on the property at 8212 Hewlett Road. This general approval is subject to final information from the builder on the period of access, method of access and route proposed in crossing my property. This agreement concludes prior to the issuance of a certificate of occupancy at this location.

Sincerely,

Andrew Friede

Andrew Friede

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Community Development